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SUBCOMMITTEE ON REGULATIONS AND HEALTHCARE

CONGRESSMAN VERN BUCHANAN

HOUSE OF REPRESENTATIVES THIRTEENTH DISTRICT, FLORIDA

December 3, 2009

The Honorable James L. Oberstar Chairman Committee on Transportation and Infrastructure 2165 Rayburn House Office Building Washington, DC 20515

The Honorable John L. Mica Ranking Member Committee on Transportation and Infrastructure 2163 Rayburn House Office Building Washington, DC 20515

Dear Chairman Oberstar and Ranking Member Mica:

As you begin crafting the Water Resources Development Act (WRDA) of 2010, I ask that you include the following projects/provisions important to my congressional district:

Dona Bay Estuary and Watershed Restoration Project

I ask that you authorize \$30,000,000 for the Dona Bay Estuary & Watershed Restoration project.

This project will include re-establishing watershed hydrology by recreating and mimicking watershed storage and attenuation through restoring historic flow pathways, wetland restoration areas and a water treatment areas. The estimated total cost for this project is approximately \$ 137,000,000.

This regional project considers the science and management of natural systems, water quality, and flood protection on an integrated basis and within the watershed framework. In addition, this regional initiative promotes and furthers the implementation of the Charlotte Harbor National Estuary Program Comprehensive Conservation Management Plan, Southwest Florida Water Management District's Southern Coastal Watershed Comprehensive Watershed Management Plan, and Sarasota County's Comprehensive Plan. Specifically, this initiative is to plan, design, and implement a comprehensive watershed management plan for the Dona Bay watershed that will produce the following outcomes:

- Watershed Restoration
- Water Quality Improvement

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- Environmental Restoration
- Water Treatment Areas
- Flood Protection

New Pass Inlet Dredging

I ask that you authorize \$5,000,000 for the Army Corps of Engineers to design, permit and implement maintenance dredging project for New Pass Inlet.

New Pass Inlet was initially authorized as a Federal navigation project in 1964. The authorized project dimensions were an entrance channel 10 feet deep and 150 feet wide in the Gulf of Mexico, and an inner channel 8 feet deep and 100 feet wide through the inlet and extending across Sarasota Bay to the Intracoastal Waterway (ICW).

The last dredging event was completed in Spring of 2003 – over six years ago. Consequently, New Pass is once again in need of maintenance dredging. The shoaling and migration of the inlet channel creates a two-fold problem. The first is navigation. The shallowing and moving of the channel presents serious challenges and hazards to boaters navigating through the inlet, especially those with deeper draft vessels. The second problem is shoreline erosion. As the inlet migrates to the south, increased and accelerated erosion pressures are exerted on the Lido Key shoreline to the south of New Pass, potentially threatening homes, roads and utility lines located in the vicinity. A maintenance dredge of the inlet would not only alleviate these two problems, but would also result in an additional benefit of providing much needed beach-compatible sand for both Longboat Key and Lido Key.

Sarasota Bay Spoil Island Restoration

I ask that you authorize \$12,000,000 for the Sarasota Bay Spoil Island Restoration.

In 1998, The US Army Corps of Engineers entered into a feasibility project for an 1135 Section project to restore spoil islands within Sarasota Bay for the purpose of restoring estuarine and marine habitats where spoil had been deposited during the dredging of the Gulf Intracoastal Waterway in the 1960's. In March 2003 the feasibility study was deemed to be complete, and signed off by the Army Corps of Engineers in August, 2003. Funds were appropriated to begin planning and engineering work with services provided by the Mobile District Office of the Corps. However, the County received notification on June 14, 2004 that the funding was no longer available and would likely not be available for the next year as well. Since that time, Federal funding assistance has not been available for the project.

The County and the Corps have invested significant money and staff resources to get the project to this point, including matching funds that will be difficult to carryover for an extended amount of time. In addition, the habitats to be restored are extremely valuable to the health of our Bay's ecosystem. Many of these resources are essential to our local economy because of the water quality and wildlife habitat (i.e., fisheries and rookeries) that they provide. In recognition of the value of these resources, Sarasota Bay was designated by the U.S. Congress as an "estuary of national significance" in the Water Quality Act of 1987.

Of the six potential restoration sites originally included in the feasibility study, Sarasota County has successfully completed one project (Bird Colony Islands), and is currently in the design/permitting phase of another project (Palmer Point Park). The County has utilized a combination of the funds originally designated as local match for the Section 1135 project, along with additional State grant funds that have been secured. However, this still leaves four more sites from the feasibility study in need of restoration, with Jim Neville Marine Preserve being top priority. Each of these sites would require \$2M to \$5M for design, permitting and construction.

Regional Water Supply Loop

I ask that you authorize \$10,000,000 for the Sarasota Regional Water Supply Loop.

Recognizing the importance and benefits of an integrated regional water supply system, construction of a major pipeline loop from the Carlton Water Treatment Plant to north Sarasota County and eventually to Manatee County as part of a regional interconnection project will provide water to and from the Peace River Authority and its members. Interconnections of utility systems would enhance regional supply management and provide the opportunity to rotate and rest sources of supply. Thus, benefits of this Loop system include:

- Rotational capacity of water supplies.
- Flexibility to rest groundwater resources during increased availability of surface water sources (e.g. wet season).
- Redundancy and improved reliability of the potable water system throughout the four-county area.
- Efficient management of the region's water resources.
- Increased opportunity for future regional partnerships.

Facilities of the Loop System pipeline include transmission main and appurtenances, flow metering, storage tanks, booster pumps stations, chemical feed facilities and instrumentation and controls. Additionally, through regional agreements, other utilities' systems in the four-county area will also be interconnected to the regional system. The estimated cost for this project is approximately \$40,000,000.00. Sarasota County cost is 50 % of the total cost which is \$20,000,000.00 with Southwest Florida Water Management District paying the balance.

Anna Maria Island Shore Protection Project

I request authorization of \$15,100,000 for the execution of a beach renourishment agreement between Manatee County and the Secretary of the Army. The executed agreement would be in accordance with Section 206 of the 1992 WRDA. Section 206 provides for the construction of shore protection projects by the non-federal interests. Manatee County intends to engineer and construct the next federally-authorized beach renourishment project under the authority of Section 206.

Suggested language reads:

Construction of Shoreline Protection Projects by Non-Federal Interests- The Secretary shall enter into a partnership agreement with the non-federal interest in accordance with Section

206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1) for the Anna Maria Island Shore Protection Project, Manatee County, Florida. This will include the area as originally authorized by Public Law 89-298, dated October 27, 1965 under Title II of the Flood Control Act of 1965, as amended, and may include the City of Anna Maria coastal segment at the northern end of Anna Maria Island.

Port Manatee South Channel Extension: Reimbursement

The Port requests language which assures that the Port is fully reimbursed for the federal share of expenses in constructing the South Channel extension federal navigation project. The Port Authority commenced the construction project on June 23, 2009 and has assumed the cost of the entire project, including the federal share, which is approximately \$15 million. Continued delays in Corps formulation of a final decision document, combined with lost business opportunities due to lack of adequate channel depth, reinforced the critical need for the Port Authority to move forward and construct the federal project at its own expense.

Since the year 2000 the Port has worked tirelessly with the Army Corps District and Washington levels to try to reach an acceptable conclusion to the General Reevaluation Report (GRR), which is now in its seventh itineration. Yet we have been consistently hampered by Corps procedure. During this period, the Port has suffered significant economic loss through loss of business opportunities and sunken costs in constructing a \$10 million berth, which cannot be accessed by deep draft carriers. Moreover, costs to the Port and federal government are continuing to escalate over time. Construction costs have increased from \$10 million to the current estimate of over \$21 million, and GRR costs have increased from \$1.6 million to over \$3 million.

There is a possibility that there may never be a completed GRR, which is a condition for reimbursement, or one, which is inconsistent with Manatee County and Port Authority policy with respect to dredge material disposal. The Port Authority's preferred disposal site is an uplands site, which has been developed by the Florida Department of Environmental Protection (FDEP) as a public purpose beneficial use facility specifically for the disposal of dredged material and is fully permitted. This uplands site, Piney Point, alleviates the potential environmental impacts of offshore/ocean disposal which the Corps favors and which is absolutely not acceptable to Manatee County or the FDEP.

We request legislative language within the next Water Resources Development legislation (WRDA) which mandates reimbursement of the federal share of the costs of construction, notwithstanding the General Reevaluation Report or the lack thereof of any final decision document. The intent is to preclude the Corps from denying reimbursement once Congress has provided further construction appropriations. We look forward to working with your staff and committee staff to craft the appropriate legislative language.

General Reevaluation Report (GRR) for Port Manatee

I ask that you include language to clarify the cost share for the ongoing General Reevaluation Report (GRR) for Port Manatee.

The cost share for the GRR on the South Channel Extension is consistent with that of the construction stage of the project (which is 75% federal and 25% non-federal). This is the policy which was in effect at the time that the GRR commenced in 2001.

While the Army Corps policy announcement in August 2004 changed the cost share for GRR's to a 50/50 basis, the Port Authority had budgeted bases on previous policy. As you know, Congress has provided similar "grandfather rules" for the Ports of Jacksonville, Miami and Tampa for GRR's which also began well in advance of the 2004 policy announcement. Please see Sec. 129, Energy and Water Development Appropriations, FY 2006 (P.L. 109-103); Sec. 1001 (17) and Sec. 3053, Water Resources Development Act of 2007 (P.L. 110-114). Suggested bill language reads:

- (a) General Reevaluation Report The non-federal share of the cost of the General Reevaluation Report for the Manatee Harbor, Florida, shall be the same percentage as the non-federal share of the cost of the construction of the projects.
- (b) Agreement The Secretary shall enter into a new partnership agreement with the non-federal interest to reflect the cost sharing required by subsection (a).

Federal Maintenance, Manatee Harbor Basin

Sec. 5001 (1) of WRDA 2007 authorizes federal maintenance of the Manatee Harbor Basin. Implementing regulations on Sec. 5001 requires congressional appropriations for a feasibility level investigation in order for the Secretary to make a determination that such maintenance is justified. A feasibility study would take an extended period of time and with respect to the Manatee Harbor Basin, Port Manatee believes that a Letter Report is sufficient to justify federal maintenance. Accordingly, I request the following amendment to Sec. 5001 (1), Manatee Harbor Basing, Florida:

The Secretary shall make a determination based upon a Letter Report.

Flooding Relief from I-75 Construction

I request the authorization of \$20,125,000 for the growing problem of flooding in the City of North Port. Heavy rains, either from seasonal weather or hurricanes, can severely disrupt economic activity within the City. In addition to its economic effects within the City, flooding in North Port also has an effect on the region. Many residents of the City are employed in other parts of Sarasota County and flooding of the City's roadways can impede these residents' commute to their jobs in the surrounding areas. Flooding also presents a serious health risk as standing water can lead to increased mosquito production, which in turn leads to an increased exposure to such diseases as West Nile virus and encephalitis.

I request authorization to evaluate the flood map model to identify, design, permit, and construct mitigation projects to relieve flooding caused by the construction of I-75.

R-36 Canal Improvement

I request the authorization of \$10,005,000 for the growing problem of flooding in the City of North Port. Heavy rains, either from seasonal weather or hurricanes, can severely disrupt economic activity within the City. In addition to its economic effects within the City, flooding in

North Port also has an effect on the region. Many residents of the City are employed in other parts of Sarasota County and flooding of the City's roadways can impede these residents' commute to their jobs in the surrounding areas. Flooding also presents a serious health risk as standing water can lead to increased mosquito production, which in turn leads to an increased exposure to such diseases as West Nile virus and encephalitis.

This project will authorize a survey; restore the canal's north embankment; remove accumulated silt; erosion control; add large diameter pipe culvert crossings at bottlenecks; widening/deepening of the canal at restrictions.

Regional Integrated Loop System – Phase 1 Pipeline Interconnect Project

The Project will provide a critical regional water supply interconnection between the Shell Creek Water Treatment Plant operated by the City of Punta Gorda to the Authority's regional water transmission system.

The project specifically consists of six (6) miles of 24-inch diameter piping connecting the Shell Creek Water Treatment Plant to existing regional transmission system pipeline along U.S. 17 in DeSoto County terminating just north of the DeSoto/Charlotte County line with a high-service water pumping station and a two (2) million-gallon storage tank at the Shell Creek Water Treatment Plant.

Lido Key Beach Renourishment

I request the authorization of \$175,266,000 for the 40-year project that would provide periodic beach renourishment, every 5-7 years for Lido Beach. The Lido Beach project area is located along the southern 1.88 miles (9,902 ft.) of Lido Key in the City of Sarasota, between DEP Monument R-34.0 and DD-44.0 on the Gulf of Mexico shoreline in Sarasota County.

Tampa Port Authority

I ask that you include technical clarifying amendments for Tampa Harbor.

Section 3053 of WRDA 2007 authorizes improvement for the Cut B portion of the channel. However, the draft General Reevaluation Report (GRR), which was completed after the enactment of WRDA 2007 in January 2008, recommends widening improvements in the vicinity of Cuts A and B. The Army Corps Jacksonville District office advises Tampa Port that clarifying language is needed to assure that the authorization is consistent with the findings of the GRR. The requested language reads:

The project for navigation, Tampa Harbor, Florida, authorized by Section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct Cuts A and B widening in accordance with the final approved General Reevaluation Report.

Another technical correction is needed to Section 5001(2) of WRDA 2007 which authorizes federal maintenance of three portions of Tampa Harbor which were improved by the Tampa Port Authority. Implementing regulations on Sec. 5001 require congressional appropriations for a feasibility level investigation in order for the Secretary to make a determination that such maintenance is justified. With respect to the Tampa Harbor channels, such study could cost in

excess of the actual cost of the maintenance dredging which is estimated to be just over \$100,000 every seven years. Tampa Port believes a Letter Report is sufficient to determine justification for federal maintenance of these relatively small portions of channels. Accordingly, I request the following amendment to Sec. 5001 (2) which will also provide clarity with respect to the specific locations, the following language is requested:

Tampa Harbor, Sparkman Channel and the intersection of the Tampa Bay Harbor Hillsborough Cut C and the Port Sutton Entrance Channel and the West side of the Port Sutton Turning Basin and East Bay. The Secretary shall make a determination of assumption based upon a Letter Report.

The Tampa-Big Bend Channel is one of the principal auxiliary channels in the Tampa Harbor which connects directly to the main Tampa Harbor federal ship channel. The Big Bend channel was authorized as a federal channel by Sec. 101 (a) (18) of the Water Resources Development Act of 1999. Non-federal interests constructed a portion of the authorized federal project in 2009 and the 2010 Energy and Water Development Appropriations Act (Sec. 120) directs the Secretary to reimburse the non-Federal sponsor for the federal share of the dredging work carried out.

The Port Authority is requesting federal assumption of maintenance of the Tampa-Big Bend Channel. The following is suggested language:

The Secretary shall assume responsibility for federal maintenance of the Tampa-Big Bend Channel. The Secretary shall make a determination of assumption based upon a Letter Report.

Thank you for your attention to this matter. I look forward to working with you on passing a water resources development bill into law. If you have any questions about my requests, please feel free to contact me or Shane Lieberman of my staff.

Sincerely,

Vern Buchanan

Member of Congress